

REMARKS

In the Final Office Action mailed on January 7, 2004, the Examiner reviewed claims 6-8, 10, 13-17, 19 and 21. The Examiner rejected each of these claims pursuant to 35 U.S.C. §103. Applicant disagrees with the basis for this rejection. As a preliminary matter, Applicant has amended claim 10 to replace "support members" with "plurality of posts," the latter of which is consistent with the antecedent basis. Applicant has also cancelled claim 19. Applicant requests that this amendment be entered.

The Examiner rejected claims 6, 10, 13, 16, 17, 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Leliaert* in view *Wong, et al.* and *Shively, et al.* Of these, claims 10, 17 and 21 are independent. As to claim 10, the Examiner seeks to combine the post of *Leliaert* with the teachings of *Wong, et al.* and *Shively, et al.* The Examiner contends motivation exists to make this combination "to provide a filter support for vehicle engine which increases the capacity or reduce the pressure drop without increasing in the space and to provide for increased filter surface are without increasing in size of the filter device." [Final Office Action (1/07/04), p. 3]. With respect to this motivation, Applicant notes that there is nothing within *Leliaert* that indicates the feature of pleated posts will provide the benefit of increased capacity or reduced pressure drop without increasing space requirements. Indeed, in *Leliaert*, this benefit appears to be conferred by the pleating of the filter rather than the post that supports the filter. Hence, there is no motivation to combine the feature of the posts of *Leliaert* with the teachings of either *Wong, et al.* or *Shively, et al.* For this reason, the combination is improper. Claims 10 and its dependents, claims 13-16, stand in condition for allowance.

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Independent claim 17 requires "arranging a plurality of posts into pleats" and "sandwiching the plurality of posts between a first sealing member and a second sealing member." The Examiner rejects this claim based on the same combination. As stated above, this combination is improper. Therefore, claim 17 is in condition for allowance. In addition, the Examiner seeks to modify the bag house filter of *Leliaert* by adding the automotive seals of *Wong, et al.* and *Shively, et al.* However, there is no motivation to add the particular seals of *Wong, et al.* and *Shively, et al.* to *Leliaert*. Indeed, *Leliaert* has no seals, as a bag house filter, air passes through opening 46 through filter 40 without a seal. Accordingly, there would be no reason to add one seal much less two seals taught by *Wong, et al.* and *Shively, et al.* For this reason, claim 17 is in condition for allowance.

Independent claim 21 requires "a first sealing member and a second sealing member." Moreover, support members are "sandwiched between said first sealing member and said second sealing member." For much the same reason that claim 17 is in condition for allowance, so too is claim 21. Specifically, there is no reason to add the seals of *Wong, et al.* and *Shively, et al.* to *Leliaert*, which has no seals. For this reason, claim 21, and its dependents, claims 6-8, are in condition for allowance.

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Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on March 5, 2004.


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